

Exhibit R

U.S. Patent No. 5,749,095			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
3	"local processing node"	<p><u>PROPOSED CONSTRUCTION:</u> This term does not require construction.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See 4:41-57; 5:29-51; 7:43-60; 8:13-32; 13:13-62; 14:30-53; 31:14-35. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> Dr. Michel Dubois may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '095 patent. NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this phrase does not require construction because the phrase is clear on its face.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> '095 patent, col. 3:12-26; col. 4:20-40; col. 5:20-21, 29-67; col. 6:1-12; col. 7:8-18, 28-48; col. 8:13-17, 34-51; col. 9:28-35, 58-60, 66-67; col. 10:1-6, 40-53; col. 11:17-29; col. 31:14-61; Figs. 1, 1A, 1B, 2, 14 and accompanying disclosure. Testimony by Sun's expert, Dr. Wedig, concerning the meaning of this term to one of skill in the art in the context of its use in the '095 patent. Sun reserves the right to rely on any evidence identified by NetApp.
1	"remote processing node"	<p><u>PROPOSED CONSTRUCTION:</u> This term does not require construction.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See 4:41-57; 5:29-51; 7:43-60; 8:13-32; 13:13-62; 14:30-53; 31:14-35. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> Dr. Michel Dubois may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '095 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this phrase does not require construction because the phrase is clear on its face.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> '095 patent, col. 3:12-26; col. 4:20-40; col. 5:20-21, 29-67; col. 6:1-12; col. 7:8-18, 28-48; col. 8:13-17, 34-51; col. 9:28-35, 58-60, 66-67; col. 10:1-6, 40-53; col. 11:17-29; col. 31:14-61; Figs. 1, 1A, 1B, 2, 14 and accompanying

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>patent.</p> <ul style="list-style-type: none"> NetApp reserves the right to rely on any evidence identified by Sun. 	<p>disclosure.</p> <ul style="list-style-type: none"> Testimony by Sun's expert, Dr. Wedig, concerning the meaning of this term to one of skill in the art in the context of its use in the '095 patent. Sun reserves the right to rely on any evidence identified by NetApp.
1, 17, 18, 20	"processing node"	<p><u>PROPOSED CONSTRUCTION:</u> This term does not require construction</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See Abstract; 4:19-30; 4:60-6:12; 7:43-60. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> Dr. Michel Dubois may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '095 patent. NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this phrase does not require construction because the phrase is clear on its face.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> '095 patent, col. 3:12-26; col. 4:20-40; col. 5:20-21, 29-67; col. 6:1-12; col. 7:8-18, 28-48; col. 8:13-17, 34-51; col. 9:28-35, 58-60, 66-67; col. 10:1-6, 40-53; col. 11:17-29; col. 31:14-61; Figs. 1, 1A, 1B, 2, 14 and accompanying disclosure. Testimony by Sun's expert, Dr. Wedig, concerning the meaning of this term to one of skill in the art in the context of its use in the '095 patent. Sun reserves the right to rely on any evidence identified by NetApp.
1, 2, 11, 13, 17, 18	"predefined encoding"	<p><u>PROPOSED CONSTRUCTION:</u> Any manner of distinguishing instructions, including for example the use of address bits, control signals, the definition of distinct operations, etc.</p>	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this term does not require construction because the term is clear on its face.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> '095 patent at Abstract, col. 4:60-67; col. 5:29-67; col. 6:1-12; col. 7:8-18, 61-64; col.

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See 7:61-8:12; 26:43-27:64; Figs. 14 and 17 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> Dr. Michel Dubois may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '095 patent. 	<p>26:34-67; col. 27:1-67; col. 28:1-14; col. 31:54-61; Figs. 14 and 15 and accompanying disclosure; claims 2, 6, 13, 15, 18.</p> <ul style="list-style-type: none"> Testimony by Sun's expert, Dr. Wedig, concerning the meaning of this term to one of skill in the art in the context of its use in the '095 patent. Sun reserves the right to rely on any evidence identified by NetApp.
1, 11, 17	"completing [a] write operation within [a] local processing node"	<p><u>PROPOSED CONSTRUCTION:</u> transferring the write data from an initiating processor to a system interface</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> See Abstract; 4:60-6:12; 20:66-21:31; 27:15-64; 28:15-33; 28:46-52; 29:21-52; 30:63-31:13; 31:36-53; Fig. 6 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> Dr. Michel Dubois may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '095 patent. NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this phrase does not require construction because the phrase is clear on its face. However, if the Court decides the construe this phrase, the phrase should be construed to mean:</p> <p>"data for the write operation (1) is provided to subsequent read operations within the local processing node to the same address as the write operation and (2) is or will be coherent within distributed shared memory."</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> '095 Patent, Abstract; Col. 5:28-67; Col. 6:1-12; Col. 7:8-18; Col. 17:14-56; Col. 19:4-26; Col. 20:17-27; Col. 21:33-67; Col. 22:1-42; Col. 24:54-67; Col. 25:1-4, 51-54; Col. 27:15-67; Col. 28:1-57; Col. 29:45-53; Col. 30:16-57; Col. 31:14-61; Figs. 4-8, 12-13, 15, 17-19 and accompanying disclosure. Testimony by Sun's expert, Dr. Wedig, concerning the meaning of this term to one of

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
			<p>skill in the art in the context of its use in the '095 patent.</p> <ul style="list-style-type: none"> • Sun reserves the right to rely on any evidence identified by NetApp.
11, 17	“complete [a] write operation with respect to [a] processor”	<p><u>PROPOSED CONSTRUCTION:</u> transferring the write data from an initiating processor to a system interface</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; 4:60-6:12; 20:66-21:31; 27:15-64; 28:15-33; 28:46-52; 29:21-52; 30:63-31:13; 31:36-53; Fig. 6 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Michel Dubois may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '095 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this phrase does not require construction because the phrase is clear on its face. However, if the Court decides the construe this phrase, the phrase should be construed to mean: “data for the write operation (1) is provided to subsequent read operations by a processor to the same address as the write operation and (2) is or will be coherent within distributed shared memory.”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '095 Patent, Abstract; Col. 5:28-67; 6:1-12; 7:8-18; 17:14-56; 19:4-26; 20:17-27; 21:33-67; 22:1-42; 24:54-67; 25:1-4, 51-54; 27:15-67; 28:1-57; 29:45-53; 30:16-57; 31:14-61; Figs. 4-8, 12-13, 15, 17-19 and accompanying disclosure. • Testimony by Sun's expert, Dr. Wedig, concerning the meaning of this term to one of skill in the art in the context of its use in the '095 patent. • Sun reserves the right to rely on any evidence identified by NetApp.

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
1, 8, 10-12, 17, 20	"coherency operation"	<p><u>PROPOSED CONSTRUCTION:</u> An operation performed in response to a write request to acquire permission to write to the affected "coherency unit" (as construed herein).</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract, 4:60-6:12; 7:43-60; 13:42-62; 16:49-17:13; 17:36-67; 18:1-19:12; 19:27-20:27; 23:4-24:53; 26:43-60; 29:53-25; 30:31-57; 31:14-35; Figs. 4-5, 9-11, 13 and 17 and accompanying text. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Michel Dubois may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '095 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this phrase does not require construction because the phrase is clear on its face. However, if the Court decides the construe this phrase, the phrase should be construed to mean: "an operation by a processing node to acquire a particular coherency state for a coherency unit"</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '095 Patent, col. 3:33-56; col. 5:29-67; col. 6:1-12; col. 7:8-18, 43-60; col. 18:1-67; col. 19:1-26; col. 31:14-61; Figs. 4, 12, 15, 17-18 and accompanying disclosure. • Testimony by Sun's expert, Dr. Wedig, concerning the meaning of this term to one of skill in the art in the context of its use in the '095 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
1, 8, 10-12, 17, 20	"coherency request"	<p><u>PROPOSED CONSTRUCTION:</u> An operation performed in response to a write request to acquire permission to write to the affected "coherency unit" (as construed herein).</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract, 4:60-6:12; 7:43-60; 13:42-62; 16:49-17:13; 17:36-67; 18:1-19:12; 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this phrase does not require construction because the phrase is clear on its face. However, if the Court decides the construe this phrase, the phrase should be construed to mean: "a request by a node to access distributed shared memory of a remote node."</p>

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		<p>19:27-20:27; 23:4-24:53; 26:43-60; 29:53-25; 30:31-57; 31:14-35; Figs. 4-5, 9-11, 13 and 17 and accompanying text.</p> <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Michel Dubois may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '095 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '095 Patent, col. 3:33-56; col. 5:29-67; col. 6:1-12; col. 7:8-18, 43-60; col. 18:1-67; col. 19:1-26; col. 31:14-61; Figs. 4, 12, 15, 17-18 and accompanying disclosure. • Testimony by Sun's expert, Dr. Wedig, concerning the meaning of this term to one of skill in the art in the context of its use in the '095 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
	"write stream operation"	<p><u>PROPOSED CONSTRUCTION:</u> A write operation that updates an entire "coherency unit" (as construed herein).</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 7:61-8:32; 22:26-31; 23:26-36; 26:43-27:64; 30:1-11. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Michel Dubois may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '095 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this phrase does not require construction because the phrase is clear on its face. However, if the Court decides the construe this phrase, the phrase should be construed to mean: "an operation that writes a coherency unit."</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '095 Patent, Abstract, col. 5:29-67; col. 6:1-12; col. 7:8-18, 61-67; col. 8:1-47; col. 13:63-67; col. 14:1-29; col. 15:5-67; col. 16:1-12; col. 20:18-28; col. 23:4-65; col. 27:15-64; col. 29:53-67; col. 30:1-67; col. 31:1-13, col. 54-61; Figs. 9, 15, 17-19 and accompanying disclosure. • Testimony by Sun's expert, Dr. Wedig, concerning the meaning of this term to one of skill in the art in the context of its use in the

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
			'095 patent. <ul style="list-style-type: none"> • Sun reserves the right to rely on any evidence identified by NetApp.
12, 17	"coherency unit"	<p><u>PROPOSED CONSTRUCTION:</u> A number of contiguous bytes of memory which are treated as a unit for coherency purposes.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 13:63-14:29. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Michel Dubois may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '095 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this phrase does not require construction because the phrase is clear on its face. However, if the Court decides the construe this phrase, the phrase should be construed to mean: "a unit of memory for coherency purposes."</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '095 Patent, Abstract, col. 5:29-67; col. 6:1-12; col. 7:8-18, 61-67; col. 8:1-47; 13:63-67; 14:1-29; 15:5-67; 16:1-12; 20:18-28; 23:4-65; 31:54-61. • Testimony by Sun's expert, Dr. Wedig, concerning the meaning of this term to one of skill in the art in the context of its use in the '095 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
8	"global address"	<p><u>PROPOSED CONSTRUCTION:</u> An address used by a processing node to access the memory of a remote node.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 14:30-53; 26:43-60. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See EP 0817076; U.S. Patent No. 	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this phrase does not require construction because the phrase is clear on its face. However, if the Court decides the construe this phrase, the phrase should be construed to mean: "An address of a location within a distributed shared memory."</p>

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>5,887,138.</p> <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Michel Dubois may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '095 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '095 Patent, col. 3: 12-26; col. 4:20-40; col. 5:20-67; col. 6:1-12; col. 7:8-18; 28-67; col. 8:1-12; col. 13:26-53; col. 14:30-53; col. 16:13-19; col. 17:1-13; col. 26:43-67; col. 27:1-64; col. 31:54-61; Figs. 1, 1A, 1B, 2, 14 and accompanying disclosure. • Testimony by Sun's expert, Dr. Wedig, concerning the meaning of this term to one of skill in the art in the context of its use in the '095 patent. • Sun reserves the right to rely on any evidence identified by NetApp.